



**Frederick County
Government
Frederick, Maryland**

News Release

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FOR IMMEDIATE RELEASE:

COUNTY COMMISSIONERS MEET WITH STATE SECRETARIES TO DISCUSS CLEAN WATER ISSUES

Vice President C. Paul Smith and Commissioner David Gray of the Frederick Board of County Commissioners met in Annapolis recently with four Secretaries of Governor Martin O'Malley's cabinet who are members of the Governor's Bay Cabinet: Secretary of the Environment, Robert Summers; Secretary of Planning, Richard Hall; Secretary of Natural Resources, John Griffin, and Secretary of Agriculture, Earl "Buddy" Hance. The meeting was a result of a letter from the Governor to Frederick County in January in which he offered to have his cabinet meet with leaders of each county to discuss issues related to clean water and the Chesapeake Bay. Manager Shannon Moore, Frederick County Office of Sustainability and Environmental Resources, accompanied Commissioners Smith and Gray at this meeting.

At the beginning of the meeting, the secretaries asked the commissioners to share their concerns with the cabinet. Commissioner Smith laid out several concerns with respect to state stormwater retrofit requirements, after which a cordial discussion took place involving all participants.

Commissioner Smith commented, "We greatly appreciated the opportunity to meet with these four influential members of the Governor's cabinet to address issues of great importance to the citizens of Frederick County. The secretaries listened and indicated that they understood the county's concerns and expressed a willingness to work constructively with the county on these issues."

The principal concern addressed by Commissioner Smith was the excessively high cost of the stormwater retrofit fees being required by the state, and the fact that these high costs were not being assessed evenly or fairly throughout the state. He pointed out that the impact of these fees per resident in Frederick County was four times the amount in Montgomery and Anne Arundel Counties. In addition, he pointed out the unfairness of only requiring 10 of the state's 24 jurisdictions to pass a law to collect a fee to help fund the stormwater remediation.

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Commissioner Smith suggested that a uniform, state-wide assessment by the State Legislature (similar to the way the state “flush tax” is levied) would be the fairest way for the state to tax its citizens to pay for the expensive stormwater retrofits, although he noted that the County Commissioners had not officially adopted that position. He said that because the state currently addresses each county separately, it results in widely disparate fees for each county, and it requires each county government to spend significant time and money figuring out what the cost will be and negotiating the amount of retrofit costs in stormwater permits from the Maryland Department of the Environment (MDE).

The state has estimated that the costs of its entire Watershed Implementation Plan to be \$14.5 billion, and the cost to the counties to do the stormwater retrofits by 2025 is estimated to be over five billion dollars. Commissioner Smith stated that he has not seen any figures from the state about its estimates of what these costs would be on a county-by-county basis. But, he believes that the information he has from only a few of the counties indicates that they are projecting these costs to be significantly higher than the five billion dollar estimate given by the state.

Commissioner Smith also indicated that information he has been given shows that Frederick, Montgomery and Anne Arundel Counties alone estimate that they are responsible for five billion dollars. While the commissioner hopes these estimates are wrong, until MDE provides different numbers, the counties are forced to wrestle with the formulas the state has provided. The prospect of Frederick County facing \$1.88 billion in retrofit fees has forced the commissioners to contemplate seeking judicial relief from the courts if the fees cannot be reduced. Secretary Summers and Commissioner Smith expressed the hope that the state and county would work together constructively to resolve these issues. County officials hope the state will set lower, more reasonable fees for each county.

Commissioner Smith also pointed out the great disparity in efforts to clean the Bay between what Maryland is doing and what Virginia, Pennsylvania, West Virginia and New York are not doing. Since Maryland waters only produce 20 percent of the water that goes into the Bay, a uniform regional approach to Bay cleanup is required. He also pointed out that it was important to take the cleanup actions that are most effective in reducing pollution. He said that it would be economically debilitating to require Frederick County to pay for expensive remediation measures when such measures have only a negligible impact on cleaning the Bay, and that such an approach would be a mistake.

The state secretaries reported that they continue to work with the Environmental Protection Agency to put pressure on the other states to do their part to clean the Bay. The secretaries also stated that they have been and continue to take measures to address the pollution caused by waters coming over the Conowingo Dam.

Commissioner Smith told the secretaries that he felt that the stormwater permitting process should recognize feasibility limits (i.e., limit retrofit requirements to the “maximum extent practicable”) for each

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county, so that the stormwater remediation costs that MDE would require of each county would be limited by what is feasible (as required in the Clean Water Act). Smith said that he would be noting the cost per resident of such fees in other counties, and he asked MDE to set a cost-per-resident cap to limit the cost of each county's remediation assessment.

Secretary Summers estimated that 20 percent retrofit costs for restoration activities for Frederick County's draft National Pollutant Discharge Elimination System Municipal Separate Storm Sewer System to be \$95 million over the next five-year permit. This number closely matches Frederick County's estimate of \$95,966,920. (When projected operating expenses are added, this would bring the five-year total cost to \$112,135,430, or \$22,426,086/year.)

Secretary Summers stated that MDE is not expecting the county to also meet the 2017 goals of the Watershed Implementation Plan for stormwater, which would cost the county an estimated \$342,938,004, by its own estimates. Commissioner Smith said this clarification is very important because it is less than one third of the amount the county had been led to believe the state would require (i.e., \$359,123,514). However, the commissioner let the officials know that the \$112 million five-year cost is still too high. (Ms. Moore calculated that this would increase property tax bills by almost \$530/year.)

Later in the discussion, Secretary Summers said that he estimated that the cost per household for retrofits would be around \$200 per year to meet the cost of the permit compliance. (At \$200 per household, the total retrofit cost for the county would be approximately \$10 million/year.) But Commissioner Smith and Ms. Moore responded that based on current MDE requirements, per household cost would be more than twice that amount. (The main difference is that MDE assumed the county would charge households in municipalities, but they will have their own 20 percent retrofit goals in addition to the county's and should not be charged double.)

Commissioner Gray reiterated the county's commitment to the Bay and the need to make the goals affordable and practicable.

The discussions were seen as very productive, and Commissioners Smith and Gray expressed the belief that this will open the doors for future communication as Frederick County seeks to reduce the stormwater retrofit fees.

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